

# **STATEMENT OF UNDISPUTED FACTS**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MOSES PERL,

12-CV-3949 (CS)

Plaintiff,

-against-

RJM ACQUISITIONS FUNDING,

**DEFENDANT RJM ACQUISITIONS  
FUNDING LLC'S STATEMENT OF  
UNDISPUTED FACTS PURSUANT  
TO LOCAL CIVIL RULE 56.1**

Defendant.  
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Pursuant to Rule 56.1 of the Local Civil Rules, Defendant RJM Acquisitions Funding LLC ("RJM"), by its attorneys Lewis Brisbois Bisgaard & Smith LLP, submits this statement of material facts as to which it contends that there are no genuine issues to be tried.

1. RJM is a debt acquisition and collection company based in Syosset, New York (Affidavit of Douglas Greenberg, dated May 8, 2013 (the "Greenberg Aff."), ¶ 3).

2. In its normal course of business, RJM accesses debtors' consumer credit reports in order to properly investigate and collect outstanding debts (Greenberg Aff. ¶ 4).

3. Moses Perl ("Perl") had an outstanding debt owed to Finger Hut for which he owed \$338.84 (Greenberg Aff. ¶ 5). See, documents reflecting Perl's outstanding debt, annexed as Exhibit A to the Greenberg Aff.

4. On or around August 16, 2002, Finger Hut assigned Perl's debt to RJM for collection (Greenberg Aff. ¶ 6). See, documents reflecting the assignment of Perl's debt to RJM, annexed as Exhibit B to the Greenberg Aff.

5. On six occasions – May 6, 2011, June 6, 2011, June 11, 2011, June 13, 2011, July 16, 2011 and October 7, 2011 – RJM had access to Perl's consumer credit reports as part of its investigation and efforts to collect his outstanding debt (Greenberg Aff. ¶ 7).

6. RJM's access to Perl's consumer credit reports was occasioned by virtue of what is referred to as a "soft inquiry," by which RJM uses a product that provides automatic address updates for persons from whom RJM is attempting to collect debts (Greenberg Aff. ¶ 7).

7. RJM received updates concerning Perl via use of that product, which apparently registered as the equivalent of RJM pulling his credit report on each occasion (Greenberg Aff. ¶ 7).

Dated: New York, New York  
May 10, 2013

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